

REED SMITH LLP

Nana Japaridze
599 Lexington Avenue
New York, NY 10022
Tel.: (212) 549-0282
njaparidze@reedsmith.com

David G. Murphy
Princeton Forrestal Village
136 Main Street
Suite 250
Princeton, NJ 08540
Tel.: (609) 514-5947
dmurphy@reedsmith.com

Attorneys for Defendant Allied Interstate, LLC

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Alex Kapanadze,

CASE NO.: 3:17-cv-12190

Plaintiff,

vs.

J.P. Morgan Chase & Co. and
Allied Interstate, LLC,

Defendants.

NOTICE OF REMOVAL

Defendant Allied Interstate, LLC (“Allied”), by counsel, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby notices removal of the state court civil action captioned *Alex Kapanadze v. J.P. Morgan Chase & Co. and Allied Interstate, LLC*, Case No. 2765-17, from the Superior Court of New Jersey, Law

CASE NO.: 3:17-cv-12190

Division, Ocean County, to the United States District Court for the District of New Jersey, and in support thereof states as follows:

1. On or about October 30, 2017, Plaintiff Alex Kapanadze (“Plaintiff”) filed a Complaint against Defendants in the Superior Court of New Jersey, Law Division, Ocean County (the “State Court”), Case No. 2765-17. In compliance with 28 U.S.C. § 1446(a), a true and correct copy of the Complaint and all process, pleadings, and orders served upon Allied is attached hereto as **Exhibit 1**.

2. Except for the notice filed with respect to this Notice of Removal, as of the date of this filing, no pleadings, motions, or papers other than the Complaint have been filed with the State Court in this action.

3. As set forth more fully below, this case is properly removed to this Court pursuant to 28 U.S.C. § 1441 because Allied has satisfied the procedural requirements for removal, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331.

GROUND FOR REMOVAL

I. Allied Has Satisfied the Procedural Requirements for Removal.

4. Allied first received a copy of the Complaint on October 30, 2017. Therefore, this Notice of Removal is timely filed under 28 U.S.C. § 1446(b)

CASE NO.: 3:17-cv-12190

because Allied is filing its Notice of Removal within 30 days of its receipt of the initial pleading setting forth the claim for relief upon which such action is based.

5. This Court is the proper court because it embraces the State Court where Plaintiff's action is pending. *See* 28 U.S.C. §§ 1441 and 1446(a).

6. No previous request has been made for the relief requested herein.

7. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served on Plaintiff, and a copy is being filed with the State Court Clerk.

II. Removal Is Proper Because This Court Has Subject Matter Jurisdiction.

8. Under 28 U.S.C. § 1331, United States District Courts are vested with jurisdiction to consider cases or controversies “arising under” the laws of the United States of America. *See* 28 U.S.C. § 1331.

9. Removal of such cases is governed by 28 U.S.C. § 1441(b). Section 1441(b) makes clear that a case brought in state court, raising a federal question, “*shall* be removable” to the United States District Courts “without regard to the citizenship or residence of the parties.” *See* 28 U.S.C. § 1441(b) (emphasis added).

10. Here, Plaintiff's Complaint purports to assert a claim against Defendants for alleged violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (the “TCPA”). *See* Complaint.

CASE NO.: 3:17-cv-12190

11. Plaintiff's Complaint alleges violations of a federal statute, the TCPA, and consequently "arises under" the laws of the United States. *See* 28 U.S.C. § 1331. Therefore, this Court may properly exercise jurisdiction over this claim.

12. To the extent that any other claims in this action may arise under state law, supplemental jurisdiction over such claims exists pursuant to 28 U.S.C. § 1367.

13. Defendant J.P. Morgan Chase & Co., through its counsel, consents to the removal of the cause to this Court.

14. Given that the requirements for federal question jurisdiction are satisfied, this case is properly removed.

WHEREFORE, Defendant Allied, by counsel, respectfully requests that the above-referenced action, originally filed in the Superior Court of New Jersey, Law Division, Ocean County, be removed to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

This 29th day of November, 2017.

REED SMITH LLP

By: s/Nana Japaridze
Nana Japaridze